

State of California
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, LOS ANGELES REGION

ORDER NO. _____

NPDES NO. CA0061069

WASTE DISCHARGE REQUIREMENTS
FOR

WHITTAKER CORPORATION
(Bermite Division, Saugus)

*correct # is:
CAD 064 573 108*

The California Regional Water Quality Control Board, Los Angeles Region, finds:

1. Whittaker Corporation has filed a Report of Waste Discharge and has applied for waste discharge requirements and National Pollutant Discharge Elimination System (NPDES) permit.
2. Whittaker Corporation operated the Bermite Division at 22116 West Soledad Canyon Road, Saugus, California, until its closure on April 3, 1987. As a requirement of the RCRA closure plan, two of the RCRA units (317 area and 342 area) require a ground water monitoring system capable of detecting and assessing the impact of the RCRA units on the uppermost aquifer at the Bermite Facility.
3. The first and second quarterly sampling events, which took place in October of 1988 and January of 1989 respectively, did not detect any contamination of the ground water. However, three volatile organic compounds - trichloroethylene, tetrachloroethylene, and 1,1-dichloroethylene - were detected in monitoring well MW-4, as the results of the third sampling event in April of 1989.
4. Whittaker Corporation has proposed to remediate the contaminated ground water by pumping the ground water, removing any volatile organic compounds by filtration through granular activated carbon and, following analysis of the treated water, discharging it to the Santa Clara River via surface discharge.
5. The Board adopted a revised Water Quality Control Plan for the Santa Clara River Basin (4A) on April 27, 1978. The plan contained water quality objectives for Santa Clara River. The requirements contained in this Order, as they are met, will be in conformance with the goals of the Water Quality Control Plan.

August 4, 1989

T
E
N
T
A
T
I
V
E

6. The beneficial uses of the receiving waters are: agricultural supply, ground water recharge, fresh water replenishment, warm fresh water habitat, wildlife habitat, water contact recreation, and non-contact water recreation.
7. The issuance of waste discharge requirements for this discharge is exempt from the provisions of Chapter 3 (commencing with Section 21100) of Division 13 of the Public Resources Code in accordance with Water Code Section 13389.

The Board has notified the discharger and interested agencies and persons of its intent to issue waste discharge requirements for this discharge and has provided them with an opportunity to submit their written views and recommendations.

The Board in a public hearing heard and considered all comments pertaining to the discharge and to the tentative requirements.

This Order shall serve as a National Pollutant Discharge Elimination System permit pursuant to Section 402 of the Federal Clean Water Act, or amendments thereto, and shall take effect at the end of ten days from the date of its adoption provided the Regional Administrator, EPA, has no objections.

IT IS HEREBY ORDERED, that Whittaker Corporation, in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder, and the provisions of the Federal Clean Water Act and regulations and guidelines adopted thereunder, shall comply with the following:

A. Effluent Limitations

1. Waste discharged shall be limited to treated ground water only, as proposed.
2. The discharge of an effluent with constituents in excess of the following limits is prohibited:

T
E
N
T
A
T
I
V
E

<u>Constituents</u>	<u>Units of Measurements</u>	<u>Discharge Limitations</u>	
		<u>30-Day Ave.</u>	<u>Maximum</u>
Suspended solid	mg/l	50	150
Settleable solids	mg/l	0.1	0.3
Oil and grease	mg/l	10	15
Phenols	ug/l	----	1
Trichloroethylene	ug/l	----	5
Tetrachloroethylene	ug/l	----	4
1,1 dichloroethylene	ug/l	----	6
Benzene	ug/l	----	0.7
Toluene	ug/l	-----	10
Xylene	ug/l	-----	10
Ethylbenzene	ug/l	-----	10
Lead	ug/l	-----	50

3. The toxicity of the effluent shall be such that the average survival in undiluted effluent for any three, consecutive 96-hour static or continuous flow bioassay tests shall be at least 90%, with no single test producing less than 70% survival.

B. Requirements and Provisions

This Order includes the attached "Standard Provisions and General Monitoring and Reporting Requirements".

C. Expiration Date

This Order expires on September 10, 1994.

This discharger must file a Report of Waste Discharge in accordance with Title 23, California Administrative Code, not later than 180 days in advance of such date as application for issuance of new waste discharge requirements.

I, Robert P. Ghirelli, Executive Officer, do hereby certify that the foregoing is a full, true and correct copy of an Order adopted by the California Regional Water Quality Control Board, Los Angeles Region on September 25, 1989.

ROBERT P. GHIRELLI, D.Env.
Executive Officer

T
E
N
T
A
T
I
V
E

State of California
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, LOS ANGELES REGION

MONITORING AND REPORTING PROGRAM NO. CI _____
FOR

WHITTAKER CORPORATION
(Bermite Division, Saugus)

The discharger shall implement this monitoring program on the effective date of this Order. The first monitoring report under this program is due by January 15, 1990. Following the October report, all additional monitoring analyses shall be compiled monthly and submitted as quarterly reports. The quarterly report submittals are due by the fifteenth day of the following months: January, April, July, and October.

Any instance of noncompliance shall be reported by telephone to Board staff as soon as discharger has knowledge of the noncompliance.

For treated groundwater discharges:

<u>Constituent</u>	<u>Units</u>	<u>Type of Sample</u>	<u>Minimum Frequency of Analysis</u>
Total waste flow	gal/day	----	daily ¹
Trichloroethylene	ug/l	grab	daily ¹
Tetrachloroethylene	ug/l	grab	daily ¹
1,1-dichloroethylene	ug/l	grab	daily ¹
pH	pH units	grab	quarterly
Temperature	°F	grab	quarterly
Total Dissolved Solids	mg/l	grab	quarterly
Chloride	ml/l	grab	quarterly
Sulphate	mg/l	grab	quarterly
Suspended solids	mg/l	grab	quarterly
Settleable solids	ml/l	grab	quarterly
Oil and grease	mg/l	grab	quarterly
Phenols	mg/l	grab	quarterly
Nitrogen (NO ₃ +NO ₂)	mg/l	grab	annually
Benzene	ug/l	grab	annually
Toluene	ug/l	grab	annually
Xylene	ug/l	grab	annually
Priority pollutants (listed in page T-3)	ug/l	grab	annually

¹After one month of daily monitoring, the minimum frequency of monitoring shall be weekly; after five months of weekly monitoring, the minimum frequency of monitoring shall be monthly.

T
E
N
T
A
T
I
V
E

<u>Constituent</u>	<u>Units</u>	<u>Type of Sample</u>	<u>Minimum Frequency of Analysis</u>
Toxicity ²	% survival	grab	quarterly

The report for the October - December quarter shall include the results for all annual analyses.

Ordered by: _____
ROBERT P. GHIRELLI, D.Env.
Executive Officer

Date: September 25, 1989

²By the method specified in "Guidelines for Performing Static Acute Toxicity Fish Bioassays in Municipal and Industrial Wastewater," July 1976 (California State Water Resources Control Board and Department of Fish and Game). Submission of bioassay results must include the information noted on page 31 of the "Guidelines". The fathead minnow (*Pimephales promelas*) may be used as the test species instead of the golden shiner (*Notemigonus crysoleucas*) If the results of toxicity tests yield a survival of less than 90%, the frequency of analyses shall be increased to weekly until at least three test results have been obtained and full compliance with Effluent Limitation A3 has been demonstrated, after which the frequency of analyses shall revert to quarterly.

T
E
N
T
A
T
I
V
E

PRIORITY POLLUTANTS

<u>Metals</u>	<u>Base/Neutral Extractibles</u> (EPA Method 625)	<u>Acid Extractibles</u> (EPA Method 625)
Antimony	Acenaphthene	2,4,6-Trichlorophenol
Arsenic	Benzidine	P-Chloro-M-Cresol
Beryllium	1,2,4-Trichlorobenzene	2-Chlorophenol
Cadmium	Hexachlorobenzene	2,4-Dichlorophenol
Chromium	Hexachloroethane	2,4-Dimethylphenol
Copper	Bis (2-Chloroethyl) Ether	2-Nitrophenol
Lead	2-Chloronaphthalene	4-Nitrophenol
Mercury	1,2-Dichlorobenzene	2,4-Dinitrophenol
Nickel	1,3-Dichlorobenzene	4,6-Dinitro-O-Cresol
Selenium	1,4-Dichlorobenzene	Pentachlorophenol
Silver	3,3'-Dichlorobenzidine	Phenol
Thallium	2,4-Dinitrotoluene	
Zinc	2,6-Dinitrotoluene	
	1,2-Diphenylhydrazine	<u>Volatile Organics</u> (EPA Method 624)
<u>Miscellaneous</u>	Fluoranthene	Acrolein
Cyanide *	4-Chlorophenyl Phenyl Ether	Acrylonitrile
Asbestos *	4-Bromophenyl Phenyl Ether	Benzene
	Bis (2-Chloroisopropyl) Ether	Carbon Tetrachloride
	Bis (2-Chloroethoxy) Methane	Chlorobenzene
* Not required	Hexachlorobutadiene	1,2-Dichloroethane
unless specifically	Hexachlorocyclopentadiene	1,1,1-Trichloroethane
requested.	Isophorone	1,1-Dichloroethane
<u>Pesticides</u>	Naphthalene	1,1,2-Trichloroethane
(Method 625)	Nitrobenzene	1,1,2,2-Tetrachloroethane
Aldrin	N-Nitrosodimethylamine	Chloroethane
Chlordane	N-Nitrosodi-N-Propylamine	Chloroform
Dieldrin	M-Nitrosodiphenylamine	1,1-Dichloroethylene
4,4'-DDT'	Bis (2-Ethylhexyl) Phthalate	1,2-TransDichloroethylene
4,4'-DDE	Butyl Benzyl Phthalate	1,2-Dichloropropane
4,4'-DDD	Di-N-Butyl Phthalate	1,2-Dichloropropylene
Alpha Endosulfan	Di-N-Octyl Phthalate	Ethylbenzene
Beta Endosulfan	Diethyl Phthalate	Methylene Chloride
Endosulfan Sulfate	Dimethyl Phthalate	Methyl Chloride
Endrin	Benzo (A) Anthracene	Methyl Bromide
Endrin Aldehyde	Benzo (A) Pyrene	Bromoform
Heptachlor	Benzo (B) Fluoranthene	Bromodichloromethane
Heptachlor Expoxide	Benzo (K) Fluoranthene	Dibromochloromethane
Alpha BHC	Chrysene	Tetrachloroethylene
Beta BHC	Acenaphthylene	Toluene
Gamma BHC	Anthracene	Trichloroethylene
Delta BHC	1,12-Benzoperylene	Vinyl Chloride
Toxaphene	Fluorene	2-Chloroethyl Vinyl Ether
PCB 1016	Phenanthrene	
PCB 1221	1,2,5,6-Dibenzanthracene	
PCB 1232	Indeno (1,2,3-CD) Pyrene	

INSTRUCTIONS TO APPLICANT FOR
WASTE DISCHARGE REQUIREMENTS

Whittaker Corporation

CA0061069

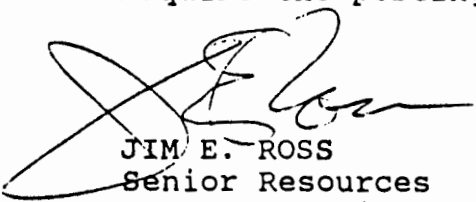
Five copies of a notice of your report of waste discharge and a statement of posting form are enclosed. By August 25, 1989, you are directed to comply with one of the following methods of informing the public of your waste discharge:

1. Post the enclosed public notice in the post office and public places of the municipality nearest the premises in which the effluent source is located; or
2. Post copies of the enclosed public notice in conspicuous places near the entrance of the premises and in the locality to be affected by the discharge; or
3. Publish the enclosed public notice in a daily newspaper or periodical which circulates in the general locality to be affected by the discharge.

Any expenses arising from the posting or publication of the enclosed public notice shall be borne by the discharger.

You must file with this office proof of such posting or publication. Proof of posting shall consist of a statement executed on the enclosed form; proof of publication shall consist of an affidavit of the publisher or foreman of the newspaper, with copy of the notice, as published, attached. Proof of posting or publication must be submitted to this Board by September 7, 1989.

Failure to post or publish the public notice by the specified date will force us to reschedule this item for a later hearing and will require the posting or publication of a second notice.



JIM E. ROSS
Senior Resources
Control Engineer

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LOS ANGELES REGION

101 Centre Plaza Drive
Monterey Park, CA 91754-2156
(213) 266-7500

Public Notice No. 89-66

NPDES No. CA0061069

NOTICE

APPLICATION FOR WASTE DISCHARGE REQUIREMENTS
(National Pollutant Discharge Elimination System Permit)

FOR

WHITTAKER CORPORATION
(Bermite Division, Saugus)

Whittaker Corporation has filed a report of waste discharge and has applied for waste discharge requirements and National Pollutant Discharge Elimination System (NPDES) permit for discharge of wastes to surface waters.

Whittaker Corporation operates its Bermite Division at 22116 West Soledad Canyon Road, Saugus, California, and discharges up to 0.1 million gallons per day of treated ground water to Santa Clara River via Placerita Creek.

On the basis of preliminary staff review and application of lawful standards and regulations, the California Regional Water Quality Control Board, Los Angeles Region, tentatively proposes to issue waste discharge requirements, including effluent limitations and special conditions. Persons wishing to comment upon or object to the tentative discharge requirements are invited to submit same in writing to the above address. To be fully considered by the Board and responded to by Staff, Written comments should be received by August 29, 1989. A public hearing will be held by the Board on September 25, 1989, at City Hall, City of Ventura, 501 Poli Street, Ventura, California. Interested persons are invited to attend. The Board will hear any testimony pertinent to the waste discharge and the tentative waste discharge requirements. Oral statements will be heard; however, for the accuracy of the record, all important testimony should be in writing. The hearing will begin at 9:30 a.m. If there should not be a quorum on the scheduled date of this meeting, all cases will be automatically continued to the next regularly scheduled meeting. That will be on October 23, 1989, and will be held at 9:30 a.m., 107 South Broadway, Room 1138, Los Angeles, California.

Public notice No. 89-66

Page 2

The Report of Waste Discharge, related documents, tentative requirements, comments received, and other information are on file and may be inspected at 101 Centre Plaza Drive, Monterey Park, CA 91754-2156 between the hours of 8:00 a.m. and 5:00 p.m. Arrangements for copies may be made.

Date: August 7, 1989

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LOS ANGELES REGION

STANDARD PROVISIONS AND GENERAL MONITORING AND
REPORTING REQUIREMENTS

A. General Requirements

1. Neither the disposal nor any handling of waste shall cause pollution or nuisance.
2. Wastes discharged shall not contain any substances in concentrations toxic to human, animal, plant, or aquatic life.
3. This discharge shall not cause a violation of any applicable water quality standard for receiving waters adopted by the Regional Board or the State Water Resources Control Board as required by the Federal Clean Water Act and regulations adopted thereunder. If more stringent applicable water quality standards are promulgated or approved pursuant to Section 303 of the Federal Clean Water Act, or amendments thereto, the Board will revise and modify this Order in accordance with such more stringent standards.
4. Wastes discharged shall not contain visible oil or grease, and shall not cause the appearance of grease, oil or oily slick, or persistent foam in the receiving waters or on channel banks, walls, inverters or other structures.
5. Wastes discharged shall not increase the natural turbidity of the receiving waters at the time of discharge.
6. Wastes discharged shall not cause the formation of sludge deposits.
7. Wastes discharged shall not damage flood control structures or facilities.
8. Oil or oily material, chemicals, refuse, or other pollutionable materials shall not be stored or deposited in areas where they may be picked up by rainfall and carried off of the property or discharged to surface waters. Any spill of such materials shall be contained and removed immediately.
9. The pH of wastes discharged shall at all times be within the range 6.0 to 9.0.
10. The temperature of wastes discharged shall not exceed 100°F.
11. The discharge of any radiological, chemical, or biological warfare agent or high level radiological waste is prohibited.

T
E
N
T
A
T
I
V
E

Standard Provisions
and General Monitoring
and Reporting Requirements

12. Effluent limitation standards established pursuant to Section 301 of the Federal Clean Water Act and amendments thereto are applicable to the discharge.

B. General Provisions

1. The requirements prescribed herein do not authorize the commission of any act causing injury to the property of another, nor protect the discharger from his liabilities under federal, state, or local laws, nor guarantee the discharger a capacity right in the receiving waters.
2. These requirements do not exempt the operator of the waste disposal facility from compliance with any other laws, regulations, or ordinances which may be applicable; they do not legalize this waste disposal facility, and they leave unaffected any further restraint on the disposal of wastes at this site which may be contained in other statutes or required by other agencies.
3. The discharger must comply with all of the terms, requirements and conditions of this Order. Any violation of this Order constitutes a violation of the Clean Water Act, its regulations and the California Water Code, and is grounds for enforcement action, Order termination, Order revocation and reissuance, denial of an application for reissuance; or a combination thereof.
4. A copy of these waste discharge specifications shall be maintained at the discharge facility so as to be available at all times to operating personnel.
5. Any discharge of wastes at any point(s) other than specifically described in this Order is prohibited, and constitutes a violation of the Order.
6. The Regional Board, EPA, and other authorized representatives shall be allowed:
 - (a) Entry upon premises where a regulated facility or activity is located or conducted, or where records are kept under the conditions of this Order;
 - (b) Access to copy any records that are kept under the conditions of this Order;
 - (c) to inspect any facility, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order; and

T
E
N
T
A
T
I
V
E

Standard Provisions
and General Monitoring
and Reporting Requirements

- (d) To photograph, sample, and monitor for the purpose of assuring compliance with this Order, or as otherwise authorized by the Clean Water Act and the California Water Code.
7. If the discharger wishes to continue an activity regulated by this Order after the expiration date of this Order, the discharger must apply for and obtain a new Order.
8. The discharger shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if this Order has not yet been modified to incorporate the requirement. If a toxic effluent standard or prohibition is established for a toxic pollutant which is present in the discharge authorized herein and such standard or prohibition is more stringent than any limitation upon such pollutant in this Order, the Board will revise or modify this Order in accordance with such toxic effluent standard or prohibition and so notify the discharger.
9. After notice and opportunity for a hearing, this Order may be terminated or modified for cause, including, but not limited to:
- (a) Violation of any term or condition contained in this Order;
 - (b) Obtaining this Order by misrepresentation, or failure to disclose all relevant facts;
 - (c) A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.
10. In the event the discharger is unable to comply with any of the conditions of this Order due to:
- (a) breakdown of waste treatment equipment;
 - (b) accidents caused by human error or negligence; or
 - (c) other causes such as acts of nature,

the discharger shall notify the Executive Officer by telephone as soon as he or his agents have knowledge of the incident and confirm this notification in writing within two weeks of the the telephone notification. The written notification shall include pertinent information explaining reasons for the non-compliance and shall indicate what steps were taken to correct the problem and the dates thereof, and what steps are being taken to prevent the problem from recurring.

T
E
N
T
A
T
I
V
E

Standard Provisions
and General Monitoring
and Reporting Requirements

11. If there is any storage of hazardous or toxic materials or hydrocarbons at this facility and if the facility is not manned at all times, a 24-hour emergency response telephone number shall be prominently posted where it can easily be read from the outside.
12. The discharger shall take all reasonable steps to minimize or prevent any discharge that has a reasonable likelihood of adversely affecting human health or the environment.
13. The discharger shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) that are installed or used by the discharger to achieve compliance with this Order. Proper operation and maintenance includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems that are installed by a discharger only when necessary to achieve compliance with the conditions of this Order.
14. This Order may be modified, revoked and reissued, or terminated for cause. The filing of a request by the discharger for a modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any condition of this Order.
15. This Order does not convey any property rights of any sort, or any exclusive privilege.
16. The discharger shall furnish, within a reasonable time, any information the Regional Board or EPA may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Order. The discharger shall also furnish to the Regional Board, upon request, copies of records required to be kept by this Order.
17. All applications, reports, or information submitted to the Regional Board shall be signed:
 - (a) In the case of corporations, by a principal executive officer at least of the level of vice-president or his duly authorized representative, if such representative is responsible for the overall operation of the facility from which discharge originates;
 - (b) In the case of a partnership, by a general partner;
 - (c) In the case of a sole proprietorship, by the proprietor;
 - (d) In the case of municipal, state or other public facility, by either a principal executive officer, ranking elected official, or other duly authorized employee.

T
E
N
T
A
T
I
V
E

Standard Provisions
and General Monitoring
and Reporting Requirements

18. The discharger shall notify the Board of;

- (a) new introduction into such works of pollutants from a source which would be a new source as defined in Section 306 of the Federal Clean Water Act, or amendments thereto, if such source were discharging pollutants to the waters of the United States,
- (b) new introductions of pollutants into such works from a source which would be subject to Section 301 of the Federal Clean Water Act, or amendments thereto, if substantial change in the volume or character of pollutants being introduced into such works by a source introducing pollutants into such works at the time the waste discharge requirements were adopted.

Notice shall include a description of the quantity and quality of pollutants and the impact of such change on the quantity and quality of effluent from such publicly owned treatment works. A substantial change in volume is considered an increase of ten percent in the mean dry-weather flow rate. The discharger shall forward a copy of such notice directly to the Regional Administrator.

- 19. The discharger shall notify the Board not later than 120 days in advance of implementation of any plans to alter production capacity of the product line of the manufacturing, producing or processing facility by more than ten percent. Such notification shall include estimates of proposed production rate, the type of process, and projected effects on effluent quality. Notification shall include submittal of a new report of waste discharge and appropriate filing fee.
- 20. The discharger shall give advance notice to the Regional Board as soon as possible of any planned physical alterations or additions to the facility or of any planned changes in the facility or activity that may result in noncompliance with requirements.
- 21. The discharger shall file with the Board a report of waste discharge at least 120 days before making any material change or proposed change in the character, location or volume of the discharge.
- 22. All existing manufacturing, commercial, mining, and silvicultural dischargers must notify the Regional Board as soon as they know or have reason to believe:
 - (a) that any activity has occurred or will occur that would result in the discharge of any toxic pollutant that is not limited in this Order, if that discharge will exceed the highest of the following "notification levels:"

T
E
N
T
A
T
I
V
E

Standard Provisions
and General Monitoring
and Reporting Requirements

- (i) One hundred micrograms per liter (100 ug/l);
 - (ii) Two hundred micrograms per liter (200 ug/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/l) for 2,4-dinitrophenol and 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;
 - (iii) Five (5) times the maximum concentration value reported for that pollutant in the permit application; or
 - (iv) The level established by the Regional Board in accordance with 40 CFR 122.44(f).
- (b) that they have begun or expect to begin to use or manufacture as an intermediate or final product or byproduct any toxic pollutant that was not reported in their application.
23. Bypass (the intentional diversion of waste streams from any portion of a treatment facility) is prohibited. The Regional Board may take enforcement action against the discharger for bypass unless:
- (a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage. (Severe property damage means substantial physical damage to property, damage to the treatment facilities that causes them to become inoperable, or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.);
 - (b) There were no feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of untreated waste, or maintenance during normal periods of equipment down time. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that could occur during normal periods of equipment downtime or preventive maintenance; and
 - (c) The discharger submitted a notice at least ten days in advance of the need for a bypass to the Regional Board.

The discharger may allow a bypass to occur that does not cause effluent limitations to be exceeded, but only if it is for essential maintenance to assure efficient operation. In such a case, the above bypass conditions are not applicable.

The discharger shall submit notice of an unanticipated bypass as required in E-16.

T
E
N
T
A
T
I
V
E

Standard Provisions
and General Monitoring
and Reporting Requirements

24. A discharger that wishes to establish the affirmative defense of an upset in an action brought for noncompliance shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

- (a) an upset occurred and that the discharger can identify the cause(s) of the upset;
- (b) the permitted facility was being properly operated at the time of the upset;
- (c) the discharger submitted notice of the upset as required in E-16; and
- (d) the discharger complied with any remedial measures required.

No determination made before an action for noncompliance, such as during administrative review of claims that noncompliance was caused by an upset, is final administrative action subject to judicial review.

In any enforcement proceeding, the discharger seeking to establish the occurrence of an upset has the burden of proof.

25. This Order is not transferable to any person except after notice to the Regional Board. In the event of any change in name, ownership, or control of these waste disposal facilities, the discharger shall notify this Board of such change and shall notify the succeeding owner or operator of the existence of this Order by letter, copy of which shall be forwarded to the Board. The Regional Board may require modification or revocation and reissuance of the Order to change the name of the discharger and incorporate such other requirements as may be necessary under the Clean Water Act.

C. Enforcement

1. The California Water Code provides that any person who violates a waste discharge requirement or a provision of the California Water Code is subject to civil penalties of up to \$5,000 per day, \$10,000 per day, or \$25,000 per day of violation, or when the violation involves the discharge of pollutants, is subject to civil penalties of up to \$10 per gallon per day or \$20 per gallon per day of violation; or some combination thereof, depending on the violation, or upon the combination of violations.

Violation of any of the provisions of the NPDES program or of any of the provisions of this Order may subject the violator to any of the penalties described herein, or any combination thereof, at the discretion of the prosecuting authority; except that only one kind of penalty may be applied for each kind of violation.

Standard Provisions
and General Monitoring
and Reporting Requirements

2. The Federal Clean Water Act (CWA) provides that any person who violates a permit condition implementing sections 301, 302, 306, 307, or 308 of the CWA is subject to a civil penalty not to exceed \$10,000 per day of such violation. Any person who willfully or negligently violates permit conditions implementing these sections of the CWA is subject to a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than 1 year, or both.
3. The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this Order shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than six months per violation, or by both.
4. It shall not be a defense for a discharger in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this Order.
5. The Clean Water Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this Order, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

D. Monitoring Requirements

1. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
2. The discharger shall retain records of all monitoring information, including all calibration and maintenance monitoring instrumentation, copies of all reports required by this Order, and records of all data used to complete the Report of Waste Discharge and application for this Order, for a period of at least three years from the date of the sample, measurement, report, or application. This period may be extended by request of the Regional Board or EPA at any time and shall be extended during the course of any unresolved litigation regarding this discharge.
3. Records of monitoring information shall include:
 - (i) The date, exact place, and time of sampling or measurements;
 - (ii) The individual(s) who performed the sampling or measurements;

T
E
N
T
A
T
I
V
E

Standard Provisions
and General Monitoring
and Reporting Requirements

- (iii) The date(s) analyses were performed;
 - (iv) The individual(s) who performed the analyses;
 - (v) The analytical techniques or methods used; and
 - (vi) The results of such analyses.
4. All sampling, sample preservation, and analyses must be conducted according to test procedures under 40 CFR Part 136, unless other test procedures have been specified in this Order.
 5. All chemical, bacteriological, and bioassay analyses shall be conducted at a laboratory certified for such analyses by the State Water Resources Control Board or approved by the Executive Officer .
 6. The discharger shall calibrate and perform maintenance procedures on all monitoring instruments and equipment to insure accuracy of measurements, or shall insure that both activities will be conducted.
 7. The discharger shall have, and implement, an acceptable written quality assurance (QA) plan for laboratory analyses. The annual monitoring report required in E-8 shall also summarize the QA activities for the previous year. Duplicate chemical analyses must be conducted on a minimum of ten percent (10%) of the samples, or at least one sample per sampling period, whichever is greater. A similar frequency shall be maintained for analyzing spiked samples.

When requested by the Board or EPA, the discharger will participate in the NPDES discharge monitoring report QA performance study. The discharger must have a success rate equal to or greater than 80%.
 8. Effluent samples shall be taken downstream of any addition to the treatment works and prior to mixing with the receiving waters.
 9. For parameters where both 30-day average and maximum limits are specified but where the monitoring frequency is less than four times a month, the following procedure shall apply:
 - (a) Initially, beginning not later than the first week of the second month after the adoption of this permit, a representative sample shall be obtained of each waste discharge at least once per week for at least four consecutive weeks and until compliance with the 30-day average limit has been demonstrated. Once compliance has been demonstrated, sampling and analyses shall revert to the frequency specified.

T
E
N
T
A
T
I
V
E

Standard Provisions
and General Monitoring
and Reporting Requirements

- (b) If future analyses of two successive samples yield results greater than 90% of the maximum limit for a parameter, the sampling frequency for that parameter shall be increased (within one week of receiving the laboratory result on the second sample) to a minimum of once weekly until at least four consecutive weekly samples have been obtained and compliance with the 30-day average limit has been demonstrated again and the discharger has set forth for the approval of the Executive Officer a program which ensures future compliance with the 30-day average limit.

E. Reporting Requirements

1. The discharger shall file with the Board technical reports on self-monitoring work performed according to the detailed specifications contained in any Monitoring and Reporting Programs as directed by the Executive Officer.
2. In reporting the monitoring data, the discharger shall arrange the data in tabular form so that the date, the constituents, and the concentrations are readily discernable. The data shall be summarized to demonstrate compliance with waste discharge requirements and, where applicable, shall include results of receiving water observations.
3. For every item where the requirements are not met, the discharger shall submit a statement of the actions undertaken or proposed which will bring the discharge into full compliance with requirements at the earliest time and submit a timetable for correction.
4. The discharger shall submit to the Board, together with the first monitoring report required by this permit, a list of all chemicals and proprietary additives which could affect this waste discharge, including quantities of each. Any subsequent changes in types and/or quantities shall be reported promptly.
5. The discharger shall file a technical report with this Board not later than 30 days after receipt of this Order, relative to the operation and maintenance program for this waste disposal facility. The information to be contained in that report shall include, as a minimum, the following:
 - (a) The name and address of the person or company responsible for operation and maintenance of the facility.
 - (b) Type of maintenance (preventive or corrective).
 - (c) Frequency of maintenance, if preventive.

T
E
N
T
A
T
I
V
E

Standard Provisions
and General Monitoring
and Reporting Requirements

If an operation and maintenance report has been supplied to the Board previously and there have been no changes, a second report need not be provided.

6. Monitoring results shall be reported at the intervals specified in the Monitoring and Reporting Program.
 - (i) Monitoring results must be reported on a Discharge Monitoring Report (DMR).
 - (ii) If the discharger monitors any pollutant more frequently than required by this Order using test procedures approved under 40 CFR Part 136 or as specified in this Order, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR.
 - (iii) Calculations for all limitations that require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in this Order.
7. Reports of compliance or noncompliance with, or any progress reports on interim and final requirements contained in any compliance schedule of this Order shall be submitted no later than 14 days following each schedule date.
8. By March 1 of each year, the discharger shall submit an annual report to the Board. The report shall contain both tabular and graphical summaries of the monitoring data obtained during the previous year. In addition, the discharger shall discuss the compliance record and the corrective actions taken or planned which may be needed to bring the discharge into full compliance with the waste discharge requirements.
9. The discharger shall include in the annual report, an annual summary of the quantities of all chemicals, listed by both trade and chemical names, which are used for cooling and/or boiler water treatment and which are discharged.
10. Each monitoring report must affirm in writing that:

"all analyses were conducted at a laboratory certified for such analyses by the State Water Resources Control Board or approved by the Executive Officer and in accordance with current EPA guideline procedures or as specified in this Monitoring Program".
11. Each report shall contain the following completed declaration:

T
E
N
T
A
T
I
V
E

Standard Provisions
and General Monitoring
and Reporting Requirements

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Executed on the _____ day of _____
at _____.

(Signature)

(Title)"

12. If no flow occurred during the reporting period, the monitoring report shall so state.
13. For any analyses performed for which no procedure is specified in the EPA guidelines or in the Monitoring and Reporting Program, the constituent or parameter analyzed and the method or procedure used must be specified in the monitoring report.
14. This Board requires the discharger to file with the Board, within 90 days after the effective date of this Order, a technical report on his preventive (failsafe) and contingency (cleanup) plans for controlling accidental discharges, and for minimizing the effect of such events. The technical report should:
 - (a) Identify the possible sources of accidental loss, untreated waste bypass, and contaminated drainage. Loading and storage areas, power outage, waste treatment unit outage, and failure of process equipment, tanks and pipes should be considered.
 - (b) Evaluate the effectiveness of present facilities and procedures and state when they became operational.
 - (c) Describe facilities and procedures needed for effective preventive and contingency plans.
 - (d) Predict the effectiveness of the proposed facilities and procedures and provide an implementation schedule containing interim and final dates when they will be constructed, implemented, or operational.

T
E
N
T
A
T
I
V
E

Standard Provisions
and General Monitoring
and Reporting Requirements

This Board, after review of the technical report, may establish conditions which it deems necessary to control accidental discharges and to minimize the effects of such events. Such conditions may be incorporated as part of this Order, upon notice to the discharger.

15. In the event wastes are transported to a different disposal site during the report period, the following shall be reported in the monitoring report:

- (a) Types of wastes and quantity of each type;
- (b) Name and address for each hauler of wastes (or method of transport if other than by hauling); and
- (c) Location of the final point(s) of disposal for each type of waste.

If no wastes are transported offsite during the reporting period, a statement to that effect shall be submitted.

16. The discharger shall report any noncompliance that may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the discharger becomes aware of the circumstances. A written submission shall also be provided within five days of the time the discharger becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times and, if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

The following shall be included as information that must be reported within 24 hours under this paragraph:

- (a) Any unanticipated bypass that exceeds any effluent limitation in the Order.
- (b) Any upset that exceeds any effluent limitation in the Order.
- (c) Violation of a maximum daily discharge limitation for any of the pollutants listed in this Order to be reported within 24 hours.

The Regional Board may waive the above-required written report on a case-by-case basis.

17. Should the discharger discover that it failed to submit any relevant facts or that it submitted incorrect information in a report, it shall promptly submit the missing or correct information.

T
E
N
T
A
T
I
V
E

Standard Provisions
and General Monitoring
and Reporting Requirements

18. The discharger shall report all instances of noncompliance not otherwise reported at the time monitoring reports are submitted. The reports shall contain all information listed in E-16.
19. Each monitoring report shall state whether or not there was any change in the discharge as described in the Order during the reporting period.
20. The discharger shall mail a copy of each monitoring report to:
 - (a) EXECUTIVE OFFICER
CALIFORNIA REGIONAL WATER QUALITY
CONTROL BOARD - LOS ANGELES REGION
107 South Broadway - Room 4027
Los Angeles, CA 90012-4596
 - (b) A copy of such monitoring report for those discharges designated as a major discharge shall also be mailed to:

REGIONAL ADMINISTRATOR
ENVIRONMENTAL PROTECTION AGENCY
Region 9
215 Fremont Street
San Francisco, CA 94105

F. Publicly Owned Wastewater Treatment Plant Requirements (Does not apply to any other type or class of discharger)

1. Publicly owned treatment works (POTWs) must provide adequate notice to the Regional Board of:
 - (a) Any new introduction of pollutants into the POTW from an indirect discharger that would be subject to sections 301 or 306 of the Clean Water Act if it were directly discharging those pollutants.
 - (b) Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the Order.

Adequate notice shall include information on the quality and quantity of effluent introduced into the POTW as well as any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.

2. The discharger shall file a written report with the Board within 90 days after the average dry-weather waste flow for any month equals or exceeds 75 percent of the design capacity of his waste treatment and/or disposal facilities. The discharger's senior administrative officer shall sign a letter which transmits that report and certifies

T
E
N
T
A
T
I
V
E

Standard Provisions
and General Monitoring
and Reporting Requirements

that the policy-making body is adequately informed about it. The report shall include:

- (a) Average daily flow for the month, the date on which the instantaneous peak flow occurred, the rate of that peak flow, and the total flow for that day.
 - (b) The discharger's best estimate of when the average daily dry-weather flow rate will equal or exceed the design capacity of his facilities.
 - (c) The discharger's intended schedule for studies, design, and other steps needed to provide additional capacity for his waste treatment and/or disposal facilities before the waste flow rate equals the capacity of present units.
3. The flow measurement system shall be calibrated at least once per year or more frequently, to ensure continued accuracy.
 4. The discharger shall require any industrial user of the treatment works to comply with applicable service charges and toxic pretreatment standards promulgated in accordance with Sections 204(b), 307, and 308 of the Federal Clean Water Act or amendments thereto. The discharger shall require each individual user to submit periodic notice (over intervals not to exceed nine months) of progress toward compliance with applicable toxic and pretreatment standards developed pursuant to the Federal Clean Water Act or amendments thereto. The discharger shall forward a copy of such notice to the Board and the Regional Administrator.
 5. Collected screening, sludges, and other solids removed from liquid wastes shall be disposed of at a legal point of disposal, and in accordance with the provisions of Division 7 of the California Water Code. For the purpose of this requirement, a legal point of disposal is defined as one for which waste discharge requirements have been prescribed by a Regional Water Quality Control Board and which is in full compliance therewith.
 6. Supervisors and operators of publicly owned wastewater treatment plants shall possess a certificate of appropriate grade in accordance with regulations adopted by the State Water Resource Control Board.

The annual report required by E-8 shall address operator certification and provide a list of current operating personnel and their grade of certification. The report shall include the date of each facility's Operation and Maintenance Manual, the date the manual was last reviewed, and whether the manual is complete and valid for the current facilities. The report shall restate, for the record, the laboratories used by the discharger to monitor compliance with this order and permit and provide a summary of performance.

Standard Provisions
and General Monitoring
and Reporting Requirements

G. Definitions

1. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility whose operation is necessary to maintain compliance with the terms and conditions of this Order.
2. "Composite sample" means, for flow rate measurements, the arithmetic mean of no fewer than eight individual measurements taken at equal intervals for 24 hours or for the duration of discharge, whichever is shorter.

"Composite sample" means, for other than flow rate measurement,

- (a) A combination of at least eight individual portions obtained at equal time intervals for 24 hours, or the duration of the discharge, whichever is shorter. The volume of each individual portion shall be directly proportional to the discharge flow rate at the time of sampling.

OR

- (b) A combination of at least eight individual portions of equal volume obtained over a 24-hour period. The time interval will vary such that the volume of wastewater discharged between samplings remains constant.

The compositing period shall equal the specified sampling period, or 24 hours, if no period is specified.

3. "Daily discharge" means:
 - (a) For flow rate measurements, the average flow rate measured during a calendar day or during any 24-hour period reasonably representative of the calendar day for purposes of sampling.
 - (b) For pollutant measurements, the concentration or mass emission rate measured during a calendar day or during any 24-hour period reasonably representative of the calendar day for purposes of sampling.
4. The "daily discharge rate" shall be obtained from the following calculation for any calendar day:

$$\text{Daily discharge rate} = \frac{8.34}{N} \sum_{i=1}^N Q_i C_i$$

in which N is the number of samples analyzed in any calendar day, Q_i and C_i are the flow rate (MGD) and the constituent concentration (mg/l) respectively, which are associated with each of the N grab samples which may be taken in any calendar day. If a composite

T
E
N
T
A
T
I
V
E

Standard Provisions
and General Monitoring
and Reporting Requirements

sample is taken, C_i is the concentration measured in the composite sample and Q_i is the average flow rate occurring during the period over which samples are composited.

5. "Daily maximum" limit means the maximum acceptable "daily discharge." For pollutant measurements, unless otherwise specified, the results to be compared to the "daily maximum" limit are based on "composite samples."
6. "Duly authorized representative" is one whose:
 - (a) Authorization is made in writing by a principal executive officer or ranking elected official;
 - (b) Authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.); and
 - (c) Written authorization is submitted to the Regional Board and EPA Region 9. If an authorization becomes no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements above must be submitted to the Regional Board and EPA Region 9 prior to or together with any reports, information, or applications to be signed by an authorized representative.
7. "Grab sample" is defined as any individual sample collected in a short period of time not exceeding 15 minutes. "Grab samples" shall be collected during normal peak loading conditions for the parameter of interest, which may or may not be during hydraulic peaks. It is used primarily in determining compliance with "daily maximum" limits and the "instantaneous maximum" limits.
8. "Hazardous substance" means any substance designated under 40 CFR 116 pursuant to Section 311 of the Clean Water Act.
9. "Heavy metals" are for purposes of this Order, arsenic, cadmium, chromium, copper, lead, mercury, silver, nickel,, and zinc.
10. "Instantaneous maximum" concentration is defined as the maximum value measured from any single "grab sample."

T
E
N
T
A
T
I
V
E

Standard Provisions
and General Monitoring
and Reporting Requirements

11. "Median" of an ordered set of values is that value below and above which there is an equal number of values, or which is the arithmetic mean of the two middle values, if there is no one middle value.
12. "Priority pollutants" are those constituents referred to in 40 CFR 401.15 and listed in the EPA NPDES Application Form 2C, pp. V-3 thru V-9.
13. "6-month median" means a moving "median" of daily values for any 180-day period in which daily values represent flow-weighted average concentrations within a 24-hour period. For intermittent discharges, the daily value shall be considered to equal zero for days on which no discharge occurred.
14. "7-day" and "30-day average" shall be the arithmetic average of the values of daily discharge calculated using the results of analyses of all samples collected during any 7 and 30 consecutive calendar day periods, respectively.
15. "Toxic pollutant" means any pollutant listed as toxic under Section 307(a)(1) of the Clean Water Act or under 40 CFR 122, Appendix D.
16. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with effluent limitations because of factors beyond the reasonable control of the discharger. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper action.

T
E
N
T
A
T
I
V
E